

The Little Traverse Bay Bands of Odawa Indians
Tribal Council
Tribal Court Room 7500 Odawa Circle
December 15, 2002
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Called to Order: Meeting was called to order at 9:42 a.m.

Council Present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony, Secretary Fred A. Harrington, Jr., Treasurer Alice Yellowbank, Councilor Janet Shomin, Councilor Rita Shananaquet, Councilor Beatrice A. Law.

A letter was received by Secretary Fred Harrington, Jr., to resign as Tribal Secretary. Councilor Fred Harrington, Jr., agreed to remain as Tribal Secretary for the remainder of the meeting with notification of intent to resign.

Council Absent:

Staff Present: See Attached list

Guests: See attached list

Motion made by Secretary Fred Harrington, Jr., and Supported by Vice-Chairman George Anthony to adopt the agenda for December 15, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington Jr., and Supported by

Treasurer Alice Yellowbank to approve the corrected minutes of December 8, 2002.

Vote: 6 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and Supported by Councilor Beatrice A. Law to accept the Tribal Administrator's verbal and written report for December 15, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and Supported by Treasurer Alice Yellowbank to increase the following budgets to meet FY 2002 budget obligations; MIS Department by \$10,593.00, Enrollment Department by \$6,500.00, Tribal Court by \$5,390.00, and the Natural Resource Department Administration by \$5,400.00.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Janet Shomin and Supported by Treasurer Alice Yellowbank to schedule Tribal Council work session, February 15, 2003, to review the modifications to existing Strategic Plans and review new department/program Strategic Plans and budgets for 2003.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Beatrice A. Law and supported by Vice-Chairman George Anthony, support withdrawn, and supported by Treasurer Alice Yellowbank, support withdrawn, to provide Paid Time Off (PTO) for employees scheduled to work December 28 and 29, 2002 to be taken at their discretion with the approval of their immediate supervisor as long as the department work schedule meets proper staffing levels for those days.

Motion dies due to lack of support.

Motion made by Secretary Fred Harrington, Jr. and supported by Vice-Chairman George Anthony, to accept the Tribal Chairman's verbal and written report for December 15, 2002.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington, Jr., and supported by Councilor Beatrice A. Law, to accept the verbal and written report from the Election Board as presented by the Secretary/Treasurer, Carol Quinones.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Councilor Beatrice A. Law and supported by Secretary Fred Harrington, Jr., to authorize the Election Board to access the data system as necessary for election purposes and that the equipment be moved into the office at the Tribal Administrator's discretion.

Vote: 6 Yes, 1 No, (Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington, Jr., and supported by Councilor Beatrice A. Law, to accept the verbal and written report from the Gaming Administration as presented by the Chairperson John Gasco and the General Manager Ron Olson.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington, Jr. and supported by Councilor Beatrice A. Law, to adjust the casino's wage grid by implementing Plan No. 4 as presented by the Gaming Administration at a work session on December 13, 2002.

Vote: 4 Yes, 3 No, (Councilor Rita Shananaquet, Vice-Chairman George Anthony, Treasurer Alice Yellowbank), 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank, to accept the verbal and written report from the Indian Child Welfare Commission as presented by the Commission Chair, Carol Kiogima.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried

Motion made by Secretary Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank, to accept the verbal and written report from the Natural Resource Commission as presented by the Chairperson, John Keshick.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank, to accept the verbal and written report from the Economic Development Commission as presented by the Chairperson, Frank Ettawageshik.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

12:46 p.m., recessed for lunch until 2:15 p.m.

2:25 p.m., reconvened

Motion made by Secretary Fred Harrington Jr., and supported by Councilor Janet Shomin, to approve Burial Fund Request #A0044 for \$5,000.00.

Vote: 4 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Beatrice A. Law, Vice-Chairman George Anthony, Treasurer Alice Yellowbank)

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Beatrice A. Law, to support a vocational training program in the culinary arts and to allocate \$16,500.00 for capital requirements to come from the Enterprise Fund Economic Development capital improvements line item.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Vice-chairman George Anthony, to post pone discussion on the proposed GIS department.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Vice-Chairman George Anthony, to fund the Environmental Lab construction project and award the contract to Graham Construction for not more that \$36,585.00, to come from the FY 2002 Enterprise Fund Economic Development capital improvements line item, which shall be obligated from FY 2002 budget and carried over into the FY 2003 budget increasing that line item by \$36,585.00 and further to authorize the Chairman to sign the contract with Graham Construction.

Vote: 5 Yes, 1 No (Councilor Janet Shomin), 0 Abstained, 1 Absent (Councilor Rita Shananaquet)

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Councilor Beatrice A. Law, to increase the Tribal Administration Natural Resources Department building projects budget by \$120,000.00 and award the contract to Graham Construction for not more than \$581,089.00, to come from the FY 2002 Enterprise Fund Economic Development capital improvements line item which shall be obligated from FY 2002 budget and carried over into the FY 2003 budget increasing that line item by \$120,000.00, and further to authorize the Chairman to sign the contract with Graham Construction.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Vice-Chairman George Anthony, to pay dues of \$7,500.00 to the National Indian Gaming Association for January 1, 2003 through December 31, 2003.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Councilor Beatrice A. Law, to pay dues of \$5,000.00 to the Midwest Alliance of Sovereign Tribes for January 1, 2003 through December 31, 2003 to come from the Enterprise Fund Governmental Operations consultants and contracts line item.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Beatrice A. Law and supported by Vice-Chairman George Anthony, to extend the Tribal Judge's contract for the first quarter of FY 2003.

Vote: 3 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 2 Abstained (Councilor Fred Harrington, Treasurer Alice Yellowbank), 0 Absent

Motion Carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to extend the Tribal Prosecutor's contract for FY 2003 at the same rate as last year and authorize the Chairman to sign the contract.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Abstained, 0 Absent

Motion Carried

4:02 p.m., recessed

4:14 p.m., reconvened

Motion made by Secretary Fred Harrington, Jr., and supported by Vice-Chairman George Anthony, to adopt resolution 121502-01 "Tax Agreement Authorization" with the State of Michigan.

Roll Call Vote: Vice-Chairman George Anthony – yes, Chairman Gerald V. Chingwa – yes, Secretary Fred Harrington, Jr. – yes, Councilor Beatrice A. Law – yes, Councilor Rita Shananaquet – yes, Councilor Janet Shomin – yes, Treasurer Alice Yellowbank – yes.

Motion Carried.

Motion made by Secretary Fred Harrington, Jr., and supported by Vice-Chairman George Anthony, to adopt resolution 121502-02 "Execution of Deed and Escrow of Taxes" for the Victories Hotel property to be paid from Victories Casino.

Roll Call Vote: Vice-Chairman George Anthony – yes, Chairman Gerald V. Chingwa – yes, Secretary Fred Harrington, Jr. – yes, Councilor Beatrice A. Law – yes, Councilor Rita Shananaquet – yes, Councilor Janet Shomin – yes, Treasurer Alice Yellowbank – yes.

Motion Carried.

Motion made by Fred Harrington, Jr., and supported by Councilor Beatrice A. Law, to request the Native American Rights Fund to assist us in writing an Amicus Brief to the U.S. Supreme Court in the matter of Grutter v. Bollinger and Gratz v. Bollinger and further to notify other Michigan Tribes requesting their signatures in support.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

4:45 p.m., public comment opened, Allie Greenleaf Maldonado

4:46 p.m. public comment closed

Motion made by Councilor Rita Shananaquet and supported by Councilor Beatrice A. Law, to enter into a legislative services contract with Lydia Hofer from December 15, 2002 to January 1, 2004, and authorize the Chairman to sign the contract, to come from the Enterprise Fund Governmental Operations consultants and contracts line item.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by vice-Chairman George Anthony, to enter into a management services contract with Ingenus Management and Consulting, LLC, effective today with a cap of \$25,000.00 and authorize the Chairman to sign the Contract.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Janet Shomin, and supported by Vice-Chairman George Anthony, that we execute the contract with Duncan & Miller Design, authorizing us to proceed with the renovation of the Victories Casino Hotel as selected design professional in partnership with the Little Traverse Bay Bands of Odawa Indians not to exceed the "all in" sum of \$5,010,690.00 and authorize the Chairman to sign the contract.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

5:30 p.m., Motion made by Vice-Chairman George Anthony and supported by Councilor Beatrice A. Law, to enter into executive session.

Vote: 5 Yes, 2 No (Secretary Fred Harrington, Jr., Councilor Rita Shananaquet)) 0 Abstained, 0 Absent

Motion Carried

6:24 p.m., Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony, to return to open session.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Secretary Fred Harrington, Jr., and supported by Councilor Rita Shananaquet, to terminate Senior Accountant Michelle Hadley's employment contract with the Tribe to include \$32,500.00 severance pay.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

Motion made by Councilor Beatrice A. Law and supported by Treasurer Alice Yellowbank, to place in an EDC account the amount of \$100,000.00 to come from the Enterprise Fund Economic Development capital improvements line item on January 1, 2003.

Vote: 3 Yes, 4 No (Councilor Rita Shananaquet, Vice-Chairman George Anthony, Chairman Gerald V. Chingwa, Councilor Janet Shomin), 0 Abstained, 0 Absent

Motion failed

The Chairman appointed Councilor Beatrice A. Law as the Tribal Secretary.

6:35 p.m., Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony, to adjourn.

Vote: 7 Yes, 0 No, 0 Abstained, 0 Absent

Motion Carried

These Minutes have been read and approved as written:

Approved:

Beatrice A. Law, Tribal Council Secretary

Date